

NATHAN D. NEIGHBORS §
VS. § CIVIL ACTION NO. 1:13cv399
ALLSTATE INSURANCE §

Plaintiff Nathan D. Neighbors, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled lawsuit against Allstate Insurance. Plaintiff has submitted documents demonstrating he wishes to proceed with this lawsuit on an *in forma pauperis* basis.

On April 26, 1996, the president signed into law the Prison Litigation Reform Act. Pub.L. No. 104-134, 110 Stat. 1321 (1996). 28 U.S.C. § 1915(g), which was created by the Act, prohibits prisoners from repeatedly filing frivolous or malicious complaints. Section 1915(g) provides as follows:

Prior to the date on which plaintiff filed this complaint, courts had dismissed at least four lawsuits filed by plaintiff as

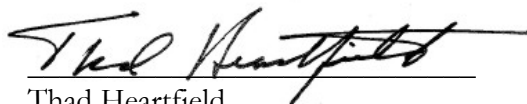
frivolous or malicious.¹ As a result, Section 1915(g) is applicable.

The allegations made in the complaint do not demonstrate plaintiff was in "imminent danger of serious physical injury" at the time this lawsuit was filed. Section 1915(g) therefore bars plaintiff from proceeding with this action on an *in forma pauperis* basis. This case will, accordingly, be dismissed.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this the **13** day of **June, 2013**.


Thad Heartfield
United States District Judge

¹ *Neighbors v. State of Texas*, No. 4:08cv620 (N.D. Tex. Oct. 29, 2008) (dismissed as frivolous); *Neighbors v. Winkle*, No. 4:09cv96 (N.D. Tex. Apr. 17, 2009) (dismissed as malicious); *Neighbors v. Nut*, No. 4:09cv126 (N.D. Tex. Apr. 12, 2009) (dismissed as frivolous); *Neighbors v. Anderson*, No. 4:09cv167 (N.D. Tex. May 12, 2009) (dismissed as frivolous).